

## REMARKS

Claims 64-91 are currently pending for the Examiner's review and consideration, and the previously pending claims have been cancelled without prejudice. Support for the currently pending claims can be found at least in the originally-filed specification of U.S. Patent No. 6,110,881, to which the instant application claims priority through multiple continuation applications, as shown by the attached Table in Appendix A. Applicants note that the claims submitted with the copy of the specification from U.S. Patent No. 6,110,881 are not the previously pending claims. No new matter has been added by the submission of new claims 64-91 herein.

New claims 64-91 are drawn to the same invention as claimed in U.S. Patent No. 6,225,034 to Tanabe *et al.* ("the '034 patent," the claims of which are attached hereto for the Examiner's convenience as Exhibit B) and, while not copied *in haec verba*, are believed to provoke an interference therewith. Applicants are further entitled to senior party status in the interference by virtue of the priority date for new claims 64-84 of no later than May 28, 1996, whereas the '034 patent claims were filed on October 15, 1998 (and can only potentially cite priority back to a Japanese patent application filed on October 16, 1997). In order to comply with the requirements for provoking an interference under 37 C.F.R. §§ 1.606-1.608, Applicants have included below a Statement under 37 C.F.R. §§ 1.607(a), as well as a Statement under 37 C.F.R. §§ 1.608(a).

### Statement under 37 C.F.R. § 1.607(a)

In accordance with 37 C.F.R. § 1.607(a), Applicants offer the following information:

1. The patent is identified as U.S. Patent No. 6,225,034 to Tanabe *et al.*
2. At least one proposed count for the interference is offered as follows:

**COUNT:** A method for removing etching and resist material from a multi-level substrate, comprising the steps of: (a) forming a photoresist layer on a substrate level comprising a metal; (b) exposing a portion of the photoresist layer, leaving a portion of the photoresist layer unexposed, and removing unreacted photoresist so that a resist pattern is formed; (c) etching at least a portion of the substrate, using the resist pattern as a mask; and (d) contacting the etched substrate with a cleaning composition at a temperature of between about room

temperature and 100°C, to remove the resist pattern and etching residue from the etched substrate, wherein the cleaning composition comprises: (a) from about 2% to 50% by weight of a hydroxylamine; (b) from about 10% to 80% by weight of at least one organic solvent miscible with the hydroxylamine; (c) from about 2% to 30% by weight of an aromatic hydroxy-functional compound; and (d) water.

While the proposed Count is not an *in haec verba* representation of the '034 patent claims, Applicants respectfully submit that the Count is appropriately framed by the broadest scope commonly claimable between the '034 patent and the instant specification. As such, Applicants claims presented herein, which also do not recite the Count *in haec verba*, represent insubstantial modifications of the '034 patent claims. For example, although instant claim 64 is broader than claim 1 of the '034 patent in some respects (such as the upper end of the hydroxylamine range, the upper end of the aromatic hydroxy-functional compound range, and the upper and lower ends of the at least one organic solvent range), it is also narrower in some respects (such as in specifically enumerating the hydroxylamine derivatives and the aromatic hydroxy-functional compounds, the lower end of the hydroxylamine range, and the lower end of the aromatic hydroxy-functional compound range).

3. At least one claim in the '034 patent corresponds to the at least one proposed count of the interference as follows:

Count 1 corresponds to claims 1-8 of the '034 patent. Although the ranges of the components in the proposed count may differ slightly from those recited in independent claims 1 and 5 of the '034 patent, Applicants respectfully submit that the Count represents insubstantial modifications of the '034 patent claims.

4. At least one claim in the '034 patent corresponds to the at least one proposed count of the interference as follows:

Count 1 corresponds to claims 64-91 of the instant application presented herein. Although the ranges of the components and the breadth of the component scope in the proposed count may differ slightly from those recited in independent

claim 64, Applicants respectfully submit that the presented claims represent insubstantial modifications of the '034 patent claims, as reflected in the Count.

5. The claims presented herein as corresponding to the at least one proposed count of the interference are applied and are supported by the present application as shown in Appendix A.

6. Applicants respectfully submit that the claims presented herein are drawn to substantially the same invention as claims 20-22, 24-26 and 40-63 presented in U.S. Application Serial No. 09/988,545 (to which the instant application claims priority as a continuation), which claims were presented within one year of the issuance and publication of the '034 patent. As a result, Applicants submit that the presentation of claims 64-91 herein thereby satisfies the requirements of 35 U.S.C. § 135(b).

**Statement under 37 C.F.R. § 1.608(a)**

In accordance with 37 C.F.R. § 1.608(a), Applicants, through their attorney, respectfully submit that the claims presented herein have an effective filing date no later than May 28, 1996, based upon the filing date of U.S. Application Serial No. 08/654,007, to which priority is claimed in the instant application through multiple continuations filed therefrom,<sup>1</sup> which date is at least twenty-eight months prior to the filing date of the '034 patent and at least sixteen months prior to the earliest possible priority date of the '034 patent claims. Applicants, through their attorney, also respectfully submit that conception and actual reduction to practice occurred even before May 28, 1996, coupled with an exercise of diligence. For the foregoing reasons, Applicants, through their attorney, allege that Applicants are entitled to a judgment relative to the patentees of the '034 patent.

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<sup>1</sup> The instant application claims priority as a continuation of U.S. Application Serial No. 09/988,545, filed November 20, 2001, which is a continuation of U.S. Application Serial No. 09/603,693, filed June 26, 2000, now U.S. Patent No. 6,319,885, which is a continuation of U.S. Application Serial No. 08/654,007, filed May 28, 1996, now U.S. Patent No. 6,110,881.

No fees are believed required other than the filing and claim fees associated with the concurrently-filed continuation application, for which fees Applicants have already authorized remittance separately. However, should any other fees be due, please charge the required fees to **Morgan, Lewis & Bockius LLP** Deposit Account No. 50-0310.

Respectfully submitted,

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Enclosures